

# HOUSE BILL 945

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By: **Cecil County Delegation**

Introduced and read first time: February 5, 2014

Assigned to: Environmental Matters

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## A BILL ENTITLED

AN ACT concerning

### **Sewage Sludge – Permit Applications and Public Hearings – Notification Requirements**

FOR the purpose of requiring the Department of the Environment to mail a copy of a certain notice to the record owners of any property adjoining land for which the Department has received a certain sewage sludge utilization permit application; requiring a certain notice of a sewage sludge utilization permit application to contain certain information; requiring the Department to require certain sewage sludge utilization permit applicants to post public notice signs at proposed sewage sludge utilization sites at least a certain number of days before the occurrence of certain public meetings; establishing requirements for certain public notice signs; requiring the Department to verify compliance with certain public notice requirements; requiring the Department to publish notice of a certain public hearing at least a certain number of days before the occurrence of the public hearing; requiring the Department to mail a copy of a permit application to apply sewage sludge on land other than marginal land to the record owners of any property adjoining the land where the sewage sludge is to be applied; requiring the Department to require certain sewage sludge utilization permit applicants to post public notice signs at proposed sewage sludge utilization sites when the application for the permit is submitted; establishing certain requirements for certain public notice signs; correcting a technical error; and generally relating to notification requirements for sewage sludge utilization permit applications.

BY repealing and reenacting, with amendments,  
Article – Environment  
Section 9–234 and 9–234.1  
Annotated Code of Maryland  
(2007 Replacement Volume and 2013 Supplement)

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That the Laws of Maryland read as follows:

**Article – Environment**

9–234.

(a) When the Department receives an application for a permit to utilize sewage sludge at a site, the Department immediately shall mail a copy of the permit application:

(1) To the legislative body and any elected executive of a county and to the elected executive of any municipal corporation where the sewage sludge utilization site is to be located; and

(2) To the legislative body and any elected executive of any other county within 1 mile of the sewage sludge utilization site.

(b) **(1)** For a permit to apply sewage sludge on marginal land or to construct a permanent facility that is designed primarily to utilize sewage sludge, the Department shall:

**[(1)] (I)** Publish notice of the application in a local newspaper having a substantial circulation in the county where the sewage sludge is to be applied or the facility is to be constructed; **AND**

**[(2)] (II)** Mail a copy of the notice to:

**[(i)] 1.** The local health official;

**[(ii)] 2.** The chairman of the legislative body and any elected executive of the county where the sewage sludge is to be applied or the facility is to be constructed;

**[(iii)] 3.** The elected executive of any municipal corporation where the sewage sludge is to be applied or the facility is to be constructed; **[and]**

**[(iv)] 4.** Any other county within 1 mile of where the sewage sludge is to be applied or the facility is to be constructed; **AND**

**5. THE RECORD OWNERS OF ANY PROPERTY ADJOINING THE LAND WHERE THE SEWAGE SLUDGE IS TO BE APPLIED OR THE FACILITY IS TO BE CONSTRUCTED.**

**(2) A NOTICE PUBLISHED UNDER THIS SUBSECTION SHALL, AT A MINIMUM:**

**(I) IDENTIFY THE LAND WHERE THE SEWAGE SLUDGE IS TO BE APPLIED OR THE FACILITY IS TO BE CONSTRUCTED BY TAX AND PARCEL NUMBER; AND**

**(II) IF APPLICABLE, PROVIDE THE STREET ADDRESS OF THE LAND WHERE THE SEWAGE SLUDGE IS TO BE APPLIED OR THE FACILITY IS TO BE CONSTRUCTED.**

(c) (1) Except as otherwise provided in § 9–234.1 of this subtitle, within 15 days after receiving a copy of the permit application, the executive or the legislative body of the county, or the executive or the legislative body of the municipal corporation, where the sewage sludge is to be applied or the facility is to be constructed may request that the Department hold a public hearing.

(2) If the Department receives a request under paragraph (1) of this subsection, the Department shall hold a public hearing in the affected subdivision in accordance with the Administrative Procedure Act.

(3) If the executives or legislative bodies of more than 1 county or municipal corporation request a hearing under this subsection, the Department may hold a consolidated hearing in 1 county.

**(4) (I) THE DEPARTMENT SHALL REQUIRE THE PERMIT APPLICANT TO POST A PUBLIC NOTICE SIGN AT THE PROPOSED SEWAGE SLUDGE UTILIZATION SITE AT LEAST 14 DAYS BEFORE THE OCCURRENCE OF A PUBLIC HEARING REQUESTED UNDER THIS SUBSECTION.**

**(II) THE PUBLIC NOTICE SIGN SHALL:**

**1. BE VISIBLE FROM THE NEAREST PUBLIC ROADWAY;**

**2. BE DURABLE AND WEATHER RESISTANT;**

**3. BE ORANGE IN COLOR;**

**4. MEASURE AT LEAST 30 BY 36 INCHES; AND**

**5. CONTAIN, AT A MINIMUM:**

**A. A STATEMENT THAT THE DEPARTMENT HAS RECEIVED A SEWAGE SLUDGE UTILIZATION PERMIT APPLICATION FOR THE PROPERTY;**

**B. THE TIME AND PLACE SCHEDULED FOR THE PUBLIC HEARING ON THE PERMIT APPLICATION;**

**C. THE TAX AND PARCEL NUMBERS AND, IF APPLICABLE, THE STREET ADDRESS OF THE PROPOSED SEWAGE SLUDGE UTILIZATION SITE; AND**

**D. CONTACT INFORMATION FOR THE DEPARTMENT.**

**(III) THE DEPARTMENT SHALL:**

**1. VERIFY THAT THE APPLICANT COMPLIES WITH THIS PARAGRAPH; AND**

**2. PUBLISH NOTICE OF THE PUBLIC HEARING AT LEAST 14 DAYS BEFORE THE OCCURRENCE OF THE PUBLIC HEARING THAT SHALL, AT A MINIMUM:**

**A. IDENTIFY THE LAND WHERE THE SEWAGE SLUDGE IS TO BE APPLIED OR THE FACILITY IS TO BE CONSTRUCTED BY TAX AND PARCEL NUMBER; AND**

**B. IF APPLICABLE, PROVIDE THE STREET ADDRESS OF THE LAND WHERE THE SEWAGE SLUDGE IS TO BE APPLIED OR THE FACILITY IS TO BE CONSTRUCTED; AND**

**3. PUBLISH THE NOTICE IN A LOCAL NEWSPAPER HAVING A SUBSTANTIAL CIRCULATION IN THE COUNTY WHERE THE SEWAGE SLUDGE IS TO BE APPLIED OR THE FACILITY IS TO BE CONSTRUCTED.**

(d) For a permit to apply sewage sludge on land other than marginal land, the Department shall [mail]:

**(1) PUBLISH NOTICE OF THE APPLICATION:**

**(I) THAT SHALL, AT A MINIMUM:**

**1. IDENTIFY THE LAND WHERE THE SEWAGE SLUDGE IS TO BE APPLIED OR THE FACILITY IS TO BE CONSTRUCTED BY TAX AND PARCEL NUMBER; AND**

**2. IF APPLICABLE, PROVIDE THE STREET ADDRESS OF THE LAND WHERE THE SEWAGE SLUDGE IS TO BE APPLIED OR THE FACILITY IS TO BE CONSTRUCTED; AND**

**(II) IN A LOCAL NEWSPAPER HAVING A SUBSTANTIAL CIRCULATION IN THE COUNTY WHERE THE SEWAGE SLUDGE IS TO BE APPLIED OR THE FACILITY IS TO BE CONSTRUCTED; AND**

**(2) MAIL a copy of the permit application to:**

**[(1)] (I) The local health official;**

**[(2)] (II) The chairman of the legislative body and any elected executive of the county where the sewage sludge is to be applied; [and]**

**[(3)] (III) The elected executive of any municipal corporation where the sewage sludge is to be applied; AND**

**(IV) THE RECORD OWNERS OF ANY PROPERTY ADJOINING THE LAND WHERE THE SEWAGE SLUDGE IS TO BE APPLIED.**

**(E) (1) THE DEPARTMENT SHALL REQUIRE THE PERMIT APPLICANT TO POST A PUBLIC NOTICE SIGN AT THE PROPOSED SEWAGE SLUDGE UTILIZATION SITE WHEN THE APPLICATION FOR THE PERMIT IS SUBMITTED.**

**(2) THE PUBLIC NOTICE SIGN SHALL:**

**(I) BE VISIBLE FROM THE NEAREST PUBLIC ROADWAY;**

**(II) BE DURABLE AND WEATHER RESISTANT;**

**(III) BE ORANGE IN COLOR;**

**(IV) MEASURE AT LEAST 30 BY 36 INCHES; AND**

**(V) CONTAIN, AT A MINIMUM:**

**1. A STATEMENT THAT THE DEPARTMENT HAS RECEIVED A SEWAGE SLUDGE UTILIZATION PERMIT APPLICATION FOR THE PROPERTY;**

**2. THE TAX AND PARCEL NUMBERS AND, IF APPLICABLE, THE STREET ADDRESS OF THE PROPOSED SEWAGE SLUDGE UTILIZATION SITE; AND**

### 3. CONTACT INFORMATION FOR THE DEPARTMENT.

#### **(3) THE DEPARTMENT SHALL VERIFY THAT THE APPLICANT COMPLIES WITH THIS SUBSECTION.**

~~[(e)]~~ **(F)** (1) Within 10 days after receiving a copy of the permit application, the executive or the legislative body of the county, or the executive or the legislative body of the municipal corporation, where the sewage sludge is to be applied may request that the Department conduct a public information meeting.

(2) If the Department receives a request under paragraph (1) of this subsection, the Department:

(i) Shall conduct a public information meeting in the affected subdivision;

(ii) May consolidate the public information meeting with 1 or more public information meetings for other applications in the same county; and

(iii) Shall notify the applicant for a permit and give the applicant the opportunity to present information at the public information meeting.

(3) If the executives or legislative bodies of more than 1 county or municipal corporation request a public information meeting under this subsection, the Department may hold a consolidated public information meeting in 1 county.

#### **(4) (I) THE DEPARTMENT SHALL REQUIRE THE PERMIT APPLICANT TO POST A PUBLIC NOTICE SIGN AT THE PROPOSED SEWAGE SLUDGE UTILIZATION SITE AT LEAST 14 DAYS BEFORE THE OCCURRENCE OF A PUBLIC HEARING REQUESTED UNDER THIS SUBSECTION.**

##### **(II) THE PUBLIC NOTICE SIGN SHALL:**

1. **BE VISIBLE FROM THE NEAREST PUBLIC ROADWAY;**

2. **BE DURABLE AND WEATHER RESISTANT;**

3. **BE ORANGE IN COLOR;**

4. **MEASURE AT LEAST 30 BY 36 INCHES; AND**

5. **CONTAIN, AT A MINIMUM:**

**A. A STATEMENT THAT THE DEPARTMENT HAS RECEIVED A SEWAGE SLUDGE UTILIZATION PERMIT APPLICATION FOR THE PROPERTY;**

**B. THE TIME AND PLACE SCHEDULED FOR THE PUBLIC HEARING ON THE PERMIT APPLICATION;**

**C. THE TAX AND PARCEL NUMBERS AND, IF APPLICABLE, THE STREET ADDRESS OF THE PROPOSED SEWAGE SLUDGE UTILIZATION SITE; AND**

**D. CONTACT INFORMATION FOR THE DEPARTMENT.**

**(III) THE DEPARTMENT SHALL VERIFY THAT THE APPLICANT COMPLIES WITH THIS PARAGRAPH.**

**[(f)] (G)** The Department shall provide each county and municipal corporation that receives a copy of any application under this section with an opportunity to consult with the Department about the decision to issue, deny, or place restrictions on a sewage sludge utilization permit.

9-234.1.

(a) This section does not apply to the storage or distribution of sewage sludge at a sewage treatment plant.

(b) Before the Secretary issues, amends, or renews a permit to an applicant or permit holder under § 9-232 or § 9-238 of this subtitle to install, materially alter, or materially extend a structure used for storage or distribution of any type of sewage sludge, the Department shall hold a public hearing on the application, amendment, or renewal.

(c) The Department shall hold a public hearing in the affected subdivision in accordance with the Administrative Procedure Act.

(d) If more than 1 county or municipal corporation will be affected by the granting of the sludge storage permit application, the Department may hold a consolidated hearing in any affected subdivision.

**(E) (1) THE DEPARTMENT SHALL REQUIRE THE PERMIT APPLICANT TO POST A PUBLIC NOTICE SIGN AT THE PROPOSED SEWAGE SLUDGE UTILIZATION SITE AT LEAST 14 DAYS BEFORE THE OCCURRENCE OF A PUBLIC HEARING REQUIRED UNDER THIS SECTION.**

**(2) THE PUBLIC NOTICE SIGN SHALL:**

- (I) BE VISIBLE FROM THE NEAREST PUBLIC ROADWAY;
- (II) BE DURABLE AND WEATHER RESISTANT;
- (III) BE ORANGE IN COLOR;
- (IV) MEASURE AT LEAST 30 BY 36 INCHES; AND
- (V) CONTAIN, AT A MINIMUM:

1. A STATEMENT THAT THE DEPARTMENT HAS RECEIVED A SEWAGE SLUDGE UTILIZATION PERMIT APPLICATION FOR THE PROPERTY;

2. THE TIME AND PLACE SCHEDULED FOR THE PUBLIC HEARING ON THE PERMIT APPLICATION;

3. THE TAX AND PARCEL NUMBERS AND, IF APPLICABLE, THE STREET ADDRESS OF THE PROPOSED SEWAGE SLUDGE UTILIZATION SITE; AND

4. CONTACT INFORMATION FOR THE DEPARTMENT.

(3) THE DEPARTMENT SHALL VERIFY THAT THE APPLICANT COMPLIES WITH THIS SUBSECTION.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2014.